



## MAYOR AND COUNCIL AGENDA

NO. DEPT.: Community Planning and Development Services  
STAFF CONTACT: Somer Cross, Planner II

DATE PREPARED: 12/22/05  
FOR MEETING OF: 1/12/06

**SUBJECT:** Discussion of recommendations from previously presented White Paper presentations.

**RECOMMENDATION:** Consider and affirm previous Mayor and Council direction based on staff's recommendations from previous White Paper presentations and discussion of the next steps in the process.

### INTRODUCTION

With this agenda item, staff is seeking the Mayor and Council's reaffirmation of the previous zoning revision recommendations made through a number of presentations this past fall. Staff will then take these recommendations, and additional recommendations from future papers and incorporate them into the zoning revision outline. As discussed in the public outreach paper, the outline will then be submitted to a task force established by the Mayor and Council, consisting of citizens and board representatives. Staff will return to the Mayor and Council when the review committee is finished with the outline review and submit the outline for the Mayor and Council's approval. In the meantime, there are a number of additional zoning discussions scheduled throughout the months of January and February.

### BACKGROUND

Starting in July with the Mansionization Presentation and ending in December with the Public Outreach discussion, staff has now presented the Mayor and Council with six different topics involving the zoning revision. These topics were:

1. **Mansionization** (7/25/05, 9/12/05, and 11/21/05);
2. **Urban Design** (9/19/05 and 11/1/05);
3. **Competing Policy** (9/27/05 and 11/1/05);
4. **Optional Method / Special Development Procedures** (9/27/05 and 1/12/06);
5. **Nonconformities** (10/24/05); and
6. **Public Outreach** (12/12/05).

As the dates listed show, some of these presentations were held in two-parts because the information was so substantial.

Each paper has provided the Mayor and Council with:

1. An explanation of the terms and concepts of these planning topics as they are associated with a zoning revision;
2. An overview of different methods of addressing these planning issues used throughout the country; and
3. Recommendations of the methods that should be used in the zoning revision for the City of Rockville.

This is a substantial amount of information provided in a short amount of time. While all the information presented to date (including copies of the presentations) has been included in the Rockville Zoning Reference Book presented to Mayor and Council, before staff begins the next stage of the revision, staff would like to confirm with the Mayor and Council the recommendations that have been made. Some of these new policies will change the direction of zoning for the City of Rockville. Before the ordinance outline is circulated for review, staff would like to ensure that these policy recommendations are the direction the Mayor and Council would like to pursue.

The zoning revision process is a fluid one – some of the recommendations presented today may change in light of new information. At this time, staff would like to continue to develop the proposals listed below and in the Zoning Revision Topics checklist (Attachment 1). If any recommendations change at a later date, in light of new information, staff will return to the Mayor and Council for direction.

## **GENERAL DISCUSSION**

The following list presents a quick review of each white paper – both the general topics of discussion and recommendations. A checklist of these recommendations is provided as an attachment to this agenda (Attachment 1). This checklist provides all the following recommendations and shows where these policies stand in the process to incorporate them into the new zoning regulations.

### **A. Competing Policy**

#### **1. General Discussion**

This paper addresses the general philosophy, the overarching organization, and purpose of the revised zoning code. Staff discussed the priorities of the revision – whether to include newer, flexible provisions that reflect more contemporary philosophies of planning theory, or to maintain current process and existing resources. Additionally, this paper began to list priorities of development that often are balanced when making development decisions in the City.

#### **2. Recommendations**

- Streamline the ordinance, where applicable, to make the language easier to read and the regulations easier to implement. This may include reorganization of the ordinance, adding illustrations, or using plainer language.
- Use new regulations / resources where appropriate. In other words, consider additional staff, review committees, and/or processes of review where the use of these resources and regulations would promote the overarching goals of the revision and the City.
- Provide flexibility to regulations where appropriate. For instance, consider administrative approvals for minor adjustments of requirements and/or consider allowing the Board of Appeals to approve minor adjustments to special exception approvals. Flexibility will save applicants with small adjustments the time and expense of more formal processes of approval.
- Include identified policy in general purpose statements. Purpose statements will provide guidance to future interpreters of the ordinance. Stated policies of Mayor and Council will ensure that those policies are considered in interpretation of regulations.

- Include identified policy in the Amenity Development Option (ADO). The ADO will provide set development regulation adjustments to developers who provide the City with listed amenities. The amenities provided in the regulations will be taken from the list of policies identified in this paper as important issues for the future development of the City.

## **B. Urban Design**

### **1. General Discussion**

Urban design is the visual motif of the city or a particular part of the city to achieve a high quality of life for the public. Livability has been identified as the goal of urban design in Rockville. By “livability” the intent is to provide: 1) high quality development (pleasant street atmosphere, environmentally friendly development requirements, and flexible design requirements), 2) walkability (providing safe, pleasant and convenient paths to transit centers and other areas of daily activity) and 3) affordability (the ability to provide quality housing and transportation options at affordable prices to the average citizen). To achieve some of these goals may require updating other sections of the City’s Code.

### **2. Recommendations**

- Add form based regulations to areas of the City where neighborhood plans have recommended particular building forms be constructed (i.e. Town Center, Twinbrook Metro Performance District when completed, and possibly Stonestreet).
- Allow mixed uses (residential, office, and commercial) in currently single-use commercial and office areas of the City; and consider mixed-use districts in currently multi-family residential districts to allow some retail uses. There will be different mixed-use districts based on the intensity of different uses.
- Change development requirements (height, setback, lot coverage, etc.) in residential zones for the neighborhoods where the individual neighborhood plan so recommends. Also, change residential development requirements where other White Papers suggest. For instance, Green Requirements may recommend a main building lot coverage requirement and a vegetative lot coverage requirement in all districts (though the percentages for each will vary by district).
- General design guidelines should be included where applicable. For instance, one consideration will be a general design regulation in the ordinance requiring all visual sides of a building to have the same quality façade as the front.

## **C. Mansionization**

### **1. General Discussion**

“Mansionization” is the common-parlance term for the development of large-scale houses in established smaller, single-family neighborhoods. These large houses, while they meet the technical zoning standards for height, setbacks, and lot coverage, are out of character with the older, smaller housing on neighboring lots. The reason for this residential disproportionality is market forces. At the time older neighborhoods were built out, the market would only support smaller housing. Today’s market, however, desires and supports larger houses.

The recommendations from this paper, and follow-up presentations, took two paths. The first was a consideration of height and setback requirements and the second was a consideration of impervious surface limitations. Through additional discussions, it has been determined that the various characteristics of the different neighborhoods of the City are so distinct that a “blanket” modification to these regulations (i.e. change the R-60 requirements for all neighborhoods classified as R-60 districts) would have unbalanced effects in different areas. The impervious surface issue is still to be discussed, and is planned as a separate topic in the future Green Requirements Issue Paper.

## 2. Recommendations

- Include in the revision the recommended height / bulk regulations provided in each neighborhood plan. Make regulations particular to neighborhoods either through conservation district or new zoning, as the individual neighborhood plans suggest.
- Pursue any amendment to address height and setbacks (for each neighborhood) simultaneously with lot coverage regulation review (to be discussed in the Green Requirement Issue Paper).

## D. Nonconformities

### 1. General Discussion

A nonconformity is a use or development standard (structure or improvement on a property) that was lawfully created prior to the effective date of a zoning ordinance or subsequent amendment thereto. The nonconformity does not meet the current zoning ordinance’s minimum requirements for the district in which it is located. Without an allowance for a nonconformity in the zoning ordinance, the use or development standard would be illegal.

Regulations for nonconformities must balance 1) the burden on the property owner to bring the nonconformity into compliance with current zoning regulations and 2) the burden on the community to keep the nonconformity and thereby fail to carry out the entire vision of the land use regulations for the community. As the remaining policy considerations of the zoning ordinance are developed, the shape of the ordinance will be fleshed out. When the types of regulations and changes that will be included in the revision are known, staff will re-address this topic. Until that time, the 2002 proposed nonconformity text amendment (attached to the nonconformity agenda) will be used as a guideline for the development of these regulations.

### 2. Recommendations

- Continue developing nonconformity regulation recommendations as the other parts of the zoning ordinance are developed. Nonconformity regulations will depend on the types of nonconformities that will be created from the changes in regulations.
- Continue to consider the 2002 nonconformity amendment language as the direction the nonconformity regulations will take.
- Continue to develop regulations to be included in the revision for those projects that will be in the pipeline at the time the revised zoning ordinance is adopted and which will be

nonconforming with regard to the newly adopted regulations.

## **E. Public Outreach**

The public outreach plan presented in December has begun. Already, a zoning link has been added to the City's website and these White Papers have been posted for anyone's interest. Staff has conducted a CityLine interview currently airing on The Rockville Channel (cable channel 11). In addition, Rockville Reports has begun including regular updates of the zoning revision process and alerted the public to the development of the Zoning Revision Committee. Also, a water bill notice will be distributed in January.

The Planning Department recently assigned an employee to assist with the public outreach portion of the zoning revision. That person will be responsible for responding to citizen concerns and questions about the revision through e-mail and a frequently asked question section of the website. In addition, they will assist in setting up neighborhood presentations as requested and other outreach methods as the need arises.

## **CONCLUSION:**

The adopted recommendations from the White Papers (broad research papers) and future Issue Papers (more particular issue discussions on matters to be included in the zoning revision) will be important as the City enters the next stage of the zoning revision. The recommendations from Mayor and Council will provide general policy direction as the process shifts into the hands of the Review Committee. The Review Committee will then oversee the outline and drafting stages of the revised ordinance for consideration by the Planning Commission and Mayor and Council.

Staff does not plan to return to the Mayor and Council for regular presentations of the outline and drafting stages as we have with the White and Issue Papers. Final approval of both the outline and draft for adoption will come before Mayor and Council. These White and Issue papers, however, will be the best opportunity for the Mayor and Council, as a whole, to provide the overarching policy guidance that will be used in the next stages of the process.

**NEXT STEPS:** Review policy recommendations of remaining white and issue papers and proceed with drafting code outline. The following are the current dates for future zoning discussions:

**January 17** – Parking

**January 26** – Approving Bodies, Accessories, Land Uses

**February 2** – Green Requirements, Environmental Performance Standards, Sidewalks

**February 28** – Overview Part II

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Jim Wasilak, Chief of Planning

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Arthur D. Chambers, AICP, Director, CPDS

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**APPROVED BY:**

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Scott Ullery, City Manager

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Date

**LIST OF ATTACHMENTS:**

1. Chart: Zoning Revision Topics to Amend Current Regulations
2. Overview Zoning Definitions

## Zoning Revision Topics to Amend Current Regulations\*

PC = Planning Commission, MC = Mayor and Council, RC = Review Committee, § = Section

Paper Topic	Recommendations	WHITE / ISSUE PAPER				OUTLINE					DRAFT					
		Included in paper (or follow-up)	Presented to MC	MC authorize staff continue developing proposal	Presented to PC	Issue Included in Outline	Staff review § of outline	RC review § of outline	Present outline to PC	Present outline to MC	Issue included in draft	Staff review § of draft	RC review section of draft	Present draft to PC	Present draft to MC	Public Hearing
Mansion-ization	Include in revision recommended height / bulk regulations provided in each neighborhood plan. Make regulations particular to neighborhood either through conservation district or new zoning, as the plans suggest.	✓ (6/05)	✓ (7/05)	✓ (7/05, 9/05, 11/05)		✓ (1/06)										
	Pursue any amendment to address height and setbacks simultaneously with lot coverage regulation review	✓ (11/05)	✓ (11/05)	✓ (11/05)		✓ (1/06)										
Urban Design	Add form based regulations to areas of the City where neighborhood plans have recommended particular building form be constructed (i.e. Town Center, Twinbrook Metro Performance District when completed, and possibly Stonestreet)	✓ (10/05)	✓ (9/05 and 11/1/05)	✓ (11/1/05)	✓ (12/7/05)	✓ (1/06)										
	Mix uses (residential, office, and commercial) in currently single-use commercial and office areas of the City. There will be different mixed-use districts based on the intensity of different uses.	✓ (10/05)	✓ (9/05 & 11/1/05)	✓ (9/05 and 11/1/05)	✓ (12/7/05)	✓ (1/06)										
	Change development requirements (height, setback, lot coverage, etc.) in residential zones for the neighborhood where the individual neighborhood plan so recommends. Change residential development requirements where other White Papers suggest. For instance, Green Requirements may recommend main building lot coverage and vegetative covering requirements.	✓ (10/05)	✓ (9/05 and 11/1/05)	✓ (9/05 and 11/1/05)	✓ (12/7/05)											

Paper Topic	Issue(s) Addressed	WHITE / ISSUE PAPER				OUTLINE					DRAFT				
		Included in paper (or follow-up)	Presented to MC	MC authorize staff continue developing proposal	Presented to PC	Issue Included in Outline	Staff review §	RC review § of	Present outline to PC	Present outline to	Issue included in draft	Staff review §	RC review section of draft	Present draft to	Present draft to
Urban Design	General design guidelines should be included where applicable. For instance, there will be a general design guideline requiring all visual sides of a building to have the same quality façade as the front.	✓ (10/05)	✓ (9/05 and 11/1/05)	✓ (9/05 and 11/1/05)	✓ (12/7/05)										
Competing Policy	Streamline the ordinance where applicable to make the language easier to read and the regulations easier to implement.	✓ (10/05)	✓ (10/05 & 11/1/05)	✓ (10/05 & 11/1/05)	✓ (12/7/05)	✓ (1/06)									
	Use new regulations / resources where appropriate. In other words, consider additional staff, review committees, processes of review where the use of these resources and regulations would promote the overarching goals of the revision and the City.	✓ (10/05)	✓ (10/05 & 11/1/05)	✓ (10/05 & 11/1/05)	✓ (12/7/05)	✓ (1/06)									
	Provide flexibility to regulations where appropriate. For instance, consider administrative approvals for minor adjustments of requirements and/or consider allowing the Board of Appeals to approve minor adjustments to special exception approvals. Flexibility will save applicants with small adjustments the time and expense of more formal processes of approval.	✓ (10/05)	✓ (10/05 & 11/1/05)	✓ (10/05 & 11/1/05)	✓ (12/7/05)	✓ (1/06)									



Paper Topic	Issue(s) Addressed	WHITE / ISSUE PAPER				OUTLINE					DRAFT					
		Included in paper (or follow-up)	Presented to MC	MC authorize staff continue developing proposal	Presented to PC	Issue Included in Outline	Staff review § of outline	RC review § of outline	Present outline to PC	Present outline to PC	Issue included in draft	Staff review § of draft	RC review section of draft	Present draft to PC	Present draft to MC	
Competing Policy	Include identified policy in general purpose statements. Purpose statements will provide guidance to future interpreters of the ordinance. Stated policies of Mayor and Council will ensure that those policies are considered in interpretation of regulations.	✓ (10/05)	✓ (10/05 & 11/1/05)	✓ (10/05 & 11/1/05)	✓ (12/7/05)	✓ (1/06)										
	Include identified policy in the Amenity Development Option (ADO). The ADO will provide set development regulation adjustments to developers who provide the City with listed amenities. In other words, if a developer provides “X” amenities (performance venues, LEED building requirements, or underground utilities, for example) to the City, they will be allowed to adjust “Y” development requirements (height, FAR, or parking limitations, for example) The amenities provided in the regulations will be taken from the list of policies identified in this paper as important issues for the future development of the City.	✓ (10/05)	✓ (10/05 & 11/1/05)	✓ (10/05 & 11/1/05)	✓ (12/7/05)	✓ (1/06)										
Special Development Process (a.k.a. “Optional Method”)	Reduce complexity of the current special development approval processes. There are multiple special development methods provided in the current regulations. Some require final approval to be by the PC, others final approval is with the MC. The six options will be reduced to two. The processes for approval will also be simplified.	✓ (10/05)				✓ (1/06)										

Paper Topic	Issue(s) Addressed	WHITE / ISSUE PAPER				OUTLINE					DRAFT					
		Included in paper (or follow-up)	Presented to MC	MC authorize staff continue developing proposal	Presented to PC	Issue Included in Outline	Staff review § of outline	RC review § of outline	Present outline to PC	Present outline to MC	Issue included in draft	Staff review § of draft	RC review section of draft	Present draft to PC	Present draft to MC	
Special Development Process (a.k.a. "Optional Method")	Add Amenity Development Option (ADO). As discussed above, the ADO will allow the developer to have set development regulation adjustments if they provide set amenities to the City. The actual development regulations to be adjusted, the amount of adjustment allowed, and the amenities to request will be established in the drafting stage.	✓ (10/05)				✓ (1/06)										
	Include Planned Development Option (PDO). This method of development will be used for large-scale developments (to be defined in the draft). The current multiple methods of approval will be reduced to one single process. The PDO will have different requirements for approval for different types of development (Greenfield / redevelopment / mixed-use / residential)	✓ (10/05)				✓ (1/06)										
	Continue to consider including floating zones, as applicable. Currently, there are no floating zones to recommend but staff will continue to consider this type of zone if they find it would best suit the goals of the City and the revision.	✓ (10/05)				✓ (1/06)										
	Continue to consider including overlay zones (additional regulations to a part of a zone(s)). Current overlay zones will be included such as the Historic District overlay, and recommended neighborhood conservation district overlays will be included.	✓ (10/05)				✓ (1/06)										

Paper Topic	Issue(s) Addressed	WHITE / ISSUE PAPER				OUTLINE					DRAFT					
		Included in paper (or follow-up)	Presented to MC	MC authorize staff continue developing proposal	Presented to PC	Issue Included in Outline	Staff review § of outline	RC review § of outline	Present outline to PC	Present outline to MC	Issue included in draft	Staff review § of draft	RC review section of draft	Present draft to PC	Present draft to MC	
Nonconformities	Continue developing nonconformity regulation recommendations as the other parts of the zoning ordinance are developed. Nonconformity regulations will depend on the types of nonconformities which will be created from the changes in regulations.	✓ (10/05)	✓ (10/24/05)	✓ (10/24/05)	✓ (12/7/05)											
	Continue to consider the 2002 nonconformity amendment language as the direction the nonconformity regulations will take.	✓ (10/05)	✓ (10/24/05)	✓ (10/24/05)	✓ (12/7/05)	✓ (1/06)										
	Continue to develop regulations to be included in the revision for those projects which will be in the pipeline at the time the revised zoning ordinance is adopted and which will be nonconforming with regard to the newly adopted regulations.	✓ (10/05)	✓ (10/24/05)	✓ (10/24/05)	✓ (12/7/05)	✓ (1/06)										

\* While a number of other topics were discussed in each paper, this list represents only those issues that staff will continue to develop in the zoning revision.

## BASIC ZONING DEFINITIONS

**Accessory Building:** A structure, designed for the shelter or enclosure of persons, animals or property of any kind that is customarily associated with, incidental and subordinate to the principal building on the lot. An example may be a detached garage, shed, or doghouse.

**Accessory Structure:** Any combination of materials that have a permanent location on the ground that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. An accessory building is a type of accessory structure but an accessory structure is not necessarily a building. Examples on non-building accessory structures include a fence, air conditioning units, play equipment, and decorative yard ornaments.

**Accessory Use:** An activity on a lot that is customarily associated with, incidental and subordinate to the principal use on the lot. Accessory uses may include home-based businesses (to a residential use), on-site sales (in addition to manufacturing activities), and day care centers (to residential or commercial uses).

**Amenity Development Option:** A proposed special development option to be incorporated into the zoning revision. This alternative development option will provide a broader range of development alternatives (beyond underlying zone requirements of height, bulk, setback, etc. requirements) to land developers in exchange for provisions of additional community benefits (added parkland, open space, etc.), over and above what is regulated.

**Building:** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind. Buildings include houses, office buildings, barns, garages, and sheds.

**Building, Main:** A building in which is conducted the principal use of the lot on which it is located. In a residential zone, any dwelling is deemed to be a main building on the lot on which it is located.

**Competing Policy:** The balancing of land use and regulatory priorities in the zoning revision. Where there is no state standard or local plan to reference, competing policy means determining which development priorities should weigh more heavily in land use decisions. For example, competing policy includes a decision to streamline zoning regulations. In other situations, competing policy means determining development priorities. For example, in a development plan, to provide an ideal sidewalk width, trees may need to be cut down. Competing policy discussions address these issues.

**District:** See Zone.

**Dwelling:** A building or portion of a building arranged or designed to provide living facilities for one or more families. By regulation, the inclusion of a stove or range in a room or set of connected rooms constitutes a dwelling unit. Dwellings may be further identified as one-family, multiple-family semi-detached, or attached.

**Euclidean Zone:** A method of dividing a community by zones characterized by 1) prioritization of use regulations and 2) inclusion of proscriptive rules (what the jurisdiction does *not* want to see). Euclidean zoning has been the trend of land use regulations for most of the last century in Rockville and throughout the country. This conventional zoning has produced patchwork quilts of single-use districts (only residential uses allowed or only commercial uses), often with minimal connections (vehicular, pedestrian, or visual) between neighboring zones. The term is derived from the 1926 Supreme Court case of *Town of Euclid, Ohio v. Ambler Realty Company*, which established the right of communities to separate uses into zones.

**Family:** An individual, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping group in a dwelling unit. (Note: This is the current definition in the Rockville Zoning Ordinance.)

**Floating Zone:** Floating zones are the same in content as a conventional zone (regulating use, bulk, area of buildings) but are not mapped until approved. When approved, the zone is “brought down to earth” to be affixed to a particular parcel through amendments to the zoning map. These zones allow for locating use types which cannot be anticipated, or uses for which the City would like to encourage, but for which a City cannot currently say where they should be located. Floating zones normally have a special set of requirements and limitations to assure compatibility with the surrounding neighborhood. They may also be subject to a design review process by the City to further insure that the compatibility requirements are met.

**Form Based Zoning:** A method of land use regulation characterized by 1) emphasis on form regulations (building size, location, appearance) and 2) prescriptive rules (what a community does want to see built). Form based zoning focuses on established bulk regulations to solve the Euclidian “problem” of use separation. Form codes are designed to provide more flexibility than conventional codes to promote development in largely built out communities. These codes work well in established communities because they effectively define and codify a neighborhood's existing characteristics or they can implement new building types when a radical change is desired.

**Grandfathering:** In instances where existing development would become nonconforming as a result of changes in the zoning regulations, a use or structure may be allowed to continue as a conforming use through special provisions of the ordinance.

**Greenfield Development:** Construction on undeveloped lands such as forests or farms.

**Impervious Surface:** A surface that does not permit the absorption of fluids. As a land use term, impervious surface means any surface such as roads, rooftops, patios, or parking lots that does not allow water to soak into the ground. Impervious surfaces result in runoff from the surface in greater quantities and/or an increased rate when compared to natural conditions prior to development.

**Infill:** Developing on an empty lot(s) of land within an otherwise developed area of the City. Infill development fills a void between two existing structures.

**Lot:** A plot of land developed or to be developed. A lot may or may not be occupied by a building and its accessory buildings or by group dwellings and their accessory building(s), together with open spaces. A **record lot** (or **recorded lot**) is a lot that has been legally recorded as part of a subdivision plat filed in the County land records. In general, in order to obtain a building permit, the property must be a record lot.

**Lot, ownership:** A lot shown on a subdivision plat, which designates land as separate lots only for purposes of ownership identification. An ownership plat does not create formal individual subdivided lots.

**Main Building:** See Building, Main

**Mansionization:** The process where single-family, detached homes are demolished or enlarged to create houses that are several times larger than the originals and which create structures that are out of proportion with the surrounding houses. Rising real estate values, convenient locations, and a desire for added in-home amenities all contribute to this process.

**Mixed-Use:** The development of a lot, or designation of a zoning district that provides for more than one classification of activities (i.e. allowing residential, commercial, and/or office uses within the same building or within the same district).

**Nonconforming Development Standard:** The dimensions of a lot, or a building, structure, or other lot feature (such as, but not limited to, parking, lot coverage, green space, etc.) located on the lot that was lawful when established but no longer conforms to the requirements of the zone in which it is located as set forth in the Zoning Ordinance, because of adoption of a zoning amendment or comprehensive zoning revision. The term “nonconforming development standard” is a broad category and can apply to 1) a nonconforming lot, 2) a nonconforming structure, and 3) a nonconforming lot feature. There are particular considerations with regard to each type of development standards.

- **Nonconforming Lot:** A lot which met the dimensional requirements for the zone in which it is located at the time of subdivision but which does not meet the current regulations for lot area, width, depth or access.
- **Nonconforming Lot Feature:** One type of nonconforming development standard, which includes development regulations outside of structural requirements. Examples of lot features include, but are not limited to, parking, landscaping, screening, access, and lighting.
- **Nonconforming Structure:** A building located on a lot which does not conform with bulk regulations established in the zoning ordinance, such as setback, height, encroachment, in addition to any applicable architectural requirements.

**Nonconforming Use:** The activity in a building, structure or on land lawfully existing immediately prior to the effective date of the current zoning ordinance, as may be

amended, which no longer permitted in the current zone. A nonconforming use may be continued, but not expanded. If it ceases for a period of 3 months, it cannot be reinstated. Any future use must comply with the current zoning standards.

**Optional Method:** These procedures allow for large tracts of land, under a single ownership, to be developed in a manner particular to that tract of land. These methods of development are an alternative to the existing zone requirements on that lot. In essence, these options allow a developer to design a project for a tract of land using development standards (such as building height, setback, and lot coverage requirements) unique to the project, within given boundaries, so long as they meet the prescribed approval process and the established goals of the City provided for that type of development option.

**Overlay District:** An area of a City where additional regulations are applied to the underlying zoning regulations in order to protect certain features or to encourage a particular type of development. (Imagine a blanket covering a couch. The couch is still there but you also have the blanket too.) Overlay districts may cover all or part of one or several traditional zones. Districts are designated on a zoning map. Where there is a conflict between overlay and underlying zoning standards, the overlay standards will apply because they are stricter. The most common overlay districts in Rockville are historic districts.

**Performance Zoning:** This form of land use regulations applies a more “hands off” approach for government. Performance regulations control the intensity of the land use, not the use itself and not the building size, shape, or dimensions. Common performance regulations include limiting the hours of operation, prohibiting shadow casting of buildings at certain times, and noise level regulations.

**Planned Development Option:** One of two proposed special development options to be included in the zoning ordinance revision. This will be a compilation of the several existing development options in the current ordinance. Under the proposed regulatory scheme for the new Planned Development Option, there would be only one approval process (instead of the multiple approval schemes currently in the ordinance). *Requirements* for approval, however, may vary based on the type of development proposed. Different standards may be included for residential versus mixed use, and/or Greenfield versus redevelopment.

**Special Exception:** A special exception is a use that is allowed in a zoning district, provided the use complies with a specified set of requirements and is found compatible with the surrounding neighborhood. The standards and requirements for these uses is set forth in the zoning ordinance. The Board of Appeals administers special exceptions.

**Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose of building development. Subdivision also includes the assemblage of several lots or parcels into one lot. Approval of a subdivision requires the recording of a plat among the County land records. The Planning Commission administers the subdivision process.

**Urban Design:** The process of providing a design vision for the City or portions of the City. Urban design encompasses architectural treatments, landscaping, pedestrian

circulation and traffic controls to provide a pleasant, harmonious, and livable public realm.

**Variance:** A variance is a modification of the density, bulk or area requirements of the zoning ordinance. A variance may be granted if the property owner can demonstrate that, because of conditions peculiar to the property not imposed by the owner, literal conformance will result in practical difficulty. The granting of a variance must not be contrary to the public interest. The Board of Appeals administers variances.

**Zone:** A geographical region of a City characterized by some distinctive feature(s) or characteristics as determined through the City's land use regulations. Also known as a district.

**Zoning:** The division of a city into areas (zones) regulating the character of the development allowable in each zone. Common zoning regulations include, but are not limited to, those for the 1) use of the land or building on the land, 2) shape of a building, 3) location of a building on a lot, 4) landscaping requirements, 5) signage regulations, and 6) parking regulations.

**Zoning Ordinance:** The portion of the City's Code that establishes the type and amount of development that is permissible in the specific zoning districts and which also establishes other development controls. The current zoning ordinance is codified as Chapter 25 of the Code of the City of Rockville.